

Message

**From:** McDavit, Michael W. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4CB54848E7F641BF90E7CBBFEDB28971-MICHAEL W. MCDAVIT]  
**Sent:** 2/5/2020 10:34:56 PM  
**To:** Frazer, Brian [Frazer.Brian@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**CC:** Kelly, Stephanie [kelly.stephanie@epa.gov]  
**Subject:** RE: urgent update re: FL assumption

Please hold this without me. I have a ton of things to review and cram in tomorrow before I go on leave.

Mike

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**From:** Frazer, Brian <Frazer.Brian@epa.gov>  
**Sent:** Wednesday, February 05, 2020 4:26 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Cc:** Kelly, Stephanie <kelly.stephanie@epa.gov>  
**Subject:** RE: urgent update re: FL assumption

Thanks Kathy. Can you schedule a quick discussion for tomorrow morning.

bf

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Wednesday, February 5, 2020 4:05 PM  
**To:** Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Cc:** Kelly, Stephanie <kelly.stephanie@epa.gov>  
**Subject:** urgent update re: FL assumption

Brian,

Mike suggested I send a quick note to you regarding updates and next steps with FL. There are two areas of activity [Ex. 5 Deliberative Process (DP)] these are being elevated within R4 and OGC. - Kathy

FDEP rule – Week of February 10

- FDEP says looks like it will go out for proposal next week [Ex. 5 Deliberative Process (DP)]

## Ex. 5 Deliberative Process (DP)

- FDEP can send out without EPA input; however, EPA may need to make substantive [public] comments on the rule proposal.

ESA consultation

**Status:** FEDP is moving forward quickly, engaging with USFWS on the consultation and to finalize the BA/BE. [Ex. 5 Deliberative Process (DP)]

### Ex. 5 Deliberative Process (DP)

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#### Background:

- FDEP has provided their species list to the services. The 1/27 call with >50 invitees between FDEP and USFWS was “the” meeting of the workgroup to discuss direction for the BA/BE, (EPA represented by Lee Forsgren). NMFS was not on the line, unclear if they were invited. It appears there will be no follow-up meetings. Note: Ryan Fisher was invited, unclear if Corps participated.
- FDEP will have a call with FWS on Tuesday 2/11 to hopefully bring NMFS onboard.
- FDEP will receive draft BA/BE from the contractor by 2/20. USFWS and EPA will not see prior to seeing this final product.

#### Concerns shared by OGC, R4 and OWCD staff:

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- **Ex. 5 Deliberative Process (DP)**
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Stephanie or I can answer any additional questions you may have.

Kathy Hurld

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